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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,761	11/16/2001	Claire Svetlana Vishik	8285/476	1851
757 7590 10/09/2007 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER KOROBOV, VITALI A	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/990,761

Applicant(s)

VISHIK ET AL.

Examiner

Vitali Korobov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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RESPONSE TO AMENDMENT

1. This Office Action is in response to an amendment filed on 07/11/2007. Claims 1-30 are currently pending and have been examined in this Office Action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by the U.S. Patent No. 7,197,565 B2, issued to Abdelaziz et al., hereinafter Abdelaziz.

Regarding claim 1, Abdelaziz teaches a method comprising: receiving a message which is to be routed to one of a plurality of authorized parties comprising a first authorized party and a second authorized party (21:54-67 and 22:1-8 - authorization of peers); polling a Web service at least once to detect for a presence of the first authorized party (41:41-54 - interoperability and compatibility of the platform with Web services. 60:15-22 - implementation of the access method via web services); determining that the presence of the first authorized party remains undetected over a time interval (108:45-51 - peer becomes unavailable); after said determining, polling the

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Web service at least once to detect for a presence of the second authorized party (Fig. 49B - peer 200B detected); and routing the message which is to be routed to one of the plurality of authorized parties to an active communication device associated with the second authorized party in response to determining that the presence of the first authorized party remains undetected and detecting the presence of the second authorized party (108:45-67 and 109:1-2 - redirecting messages to a second authorized party).

Regarding claim 2, Abdelaziz teaches the method of claim 1 wherein the message comprises a request, the first authorized party is a main approver of the request, and the second authorized party is a secondary approver of the request (57:60-64 - approval of requests for memberships).

Regarding claim 3, Abdelaziz teaches the method of claim 1 wherein the presence of the first authorized party is detectable by the Web service for a plurality of different communication devices associated with the first authorized party (Fig. 1B - plurality of communication devices).

Regarding claim 4, Abdelaziz teaches the method of claim 1 wherein the presence of the first authorized party is detectable independent of whether the first authorized party logs in to a particular device and software application (6:62-67 and 7:1-15).

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Regarding claim 5, Abdelaziz teaches the method of claim 4 wherein the particular software application comprises an instant messaging application (6:62-67 and 7:1-15).

Regarding claim 6, Abdelaziz teaches the method of claim 1 wherein the presence of the second authorized party is detectable by the Web service for a plurality of different communication devices associated with the second authorized party (Fig. 1B - plurality of communication devices).

Regarding claim 7, Abdelaziz teaches the method of claim 1 wherein the presence of the second authorized party is detectable independent of whether the second authorized party logs in to a particular device and software application (19:55-67 through 21:1-12 - implementation of UUID for peers).

Regarding claim 8, Abdelaziz teaches the method of claim 7 wherein the particular software application comprises an instant messaging application (6:62-67 and 7:1-15).

Regarding claim 9, Abdelaziz teaches the method of claim 1 further comprising formatting a presentation of the message for the active communication device (12:38-54).

Regarding claim 10, Abdelaziz teaches the method of claim 1 wherein the Web service provides presence information for a plurality of different devices and software applications (Fig. 1B - plurality of devices. Fig. 2 - plurality of applications).

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Claims 11-20 are rejected in view of the above rejection of claim 1-10. Claims 11-20 are essentially the same as claims 1-10, except that they set forth the invention as a system rather than a method, as do claims 1-10.

Claims 21-30 are rejected in view of the above rejection of claim 1-10. Claims 21-30 are essentially the same as claims 1-10, except that they sets forth the invention as a computer program product rather than a method, as do claims 1-10.

3. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

4. Applicants' arguments with respect to claims 1-30 have been carefully considered but they are not persuasive.

The Applicants argue – "The current application was filed Nov. 16, 2001. Abdelaziz was filed on Oct. 3, 2002. Abdelaziz is a continuation-in-part of U.S. Pat. App. No. 10/055,662, a continuation-in-part of U.S. Pat. App. No. 10/055,66, a continuation-in-part of U.S. Pat. App. No. 10/055,741, and a continuation-in-part of U.S. Pat. App. No. 10/164,259. Because Abdelaziz is a continuation-in-part of four applications, Abdelaziz necessarily includes information that is only entitled to a priority date of Oct.

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3, 2002. Further, Applicants note that at least one of the four applications Abdelaziz claims priority to is only entitled to a priority date of June 5, 2002. Disclosure in Abdelaziz that is only entitled to a priority date of Oct. 3, 2002, or June 5, 2002, is not prior art to the current application that was filed on Nov. 16, 2001. The Office Action of April 9, 2007, does not indicate which specific priority date of Abdelaziz the Examiner is relying on, or why the Examiner believes the cited information of Abdelaziz is entity to a specific priority date.

Because the Examiner has failed to establish that the disclosure in Abdelaziz that is asserted to anticipate claims 1-30 was filed before the current application as required by 35 U.S.C. § 102(e), the rejection of claims 1-30 as currently contemplated by the Examiner necessarily cannot be maintained."

The Examiner respectfully disagrees, and refers the Applicants to MPEP 706.02(V)(D)[R-3], which states:

"(D) If the application properly claims benefit under 35 U.S.C. 119(e) to a provisional application, the effective filing date is the filing date of the provisional application for any claims which are fully supported under the first paragraph of 35 U.S.C. 112 by the provisional application."

Since the Applicant disputes the applicability of the art only based on the priority date of the reference, not on the merits of the art itself, and since Abdelaziz is entitled to the priority date of the respective provisional application, the Office respectfully

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maintains the rejection and makes the rejection final.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov
Examiner
Art Unit 2155

VAK
09/30/2007



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER